

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P04853900	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/JP2004/005327	International filing date ( <i>day/month/year</i> ) 14 April 2004 (14.04.2004)	Priority date ( <i>day/month/year</i> ) 15 April 2003 (15.04.2003 )
International Patent Classification (IPC) or national classification and IPC 7 H01F 27/28, 27/32, H05B 6/66		
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
  2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input checked="" type="checkbox"/> | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 21 October 2005 (21.10.2005)  Authorized officer  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Yoshiko Kuwahara</div>  Telephone No. +41 22 338 90 90
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# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference APB/GRK/Y2958	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/GB2004/001401	International filing date ( <i>day/month/year</i> ) 01 April 2004 (01.04.2004)	Priority date ( <i>day/month/year</i> ) 02 April 2003 (02.04.2003 )
International Patent Classification (IPC) or national classification and IPC 7 H01M 8/10, 4/86		
Applicant VICTREX MANUFACTURING LIMITED		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

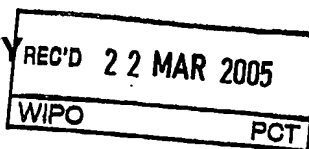
3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input checked="" type="checkbox"/> | Box No. II   | Priority  |
| <input checked="" type="checkbox"/> | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 14 October 2005 (14.10.2005)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold; margin-top: 10px;">Dorothee Mülhausen</div> Telephone No. +41 22 338 87 40

# PATENT COOPERATION TREATY



From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2004/001401

International filing date (day/month/year)  
01.04.2004

Priority date (day/month/year)  
02.04.2003

International Patent Classification (IPC) or both national classification and IPC  
H01M8/10, H01M4/86

Applicant  
VICTREX MANUFACTURING LIMITED

#### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2004/001401

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2004/001401

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 1-26 (all in part)

because:

- ☐ the said international application, or the said claims Nos.      relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos.      are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 1-26 (all in part)
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
  - the written form      ☐ has not been furnished
  - ☐ does not comply with the standard
  - the computer readable form      ☐ has not been furnished
  - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2004/001401

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-26
Inventive step (IS)	Yes: Claims	
	No: Claims	1-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1) It should be noted that the present examination refers only to that part of the present application covered by the search report (Rule 66.1 PCT) i.e. to the sulphonated polyarylether ketones described in the examples and closely related compounds in polymer electrolyte membrane or gas diffusion electrode materials and methods of their production.

2) Reference is made to the following documents:

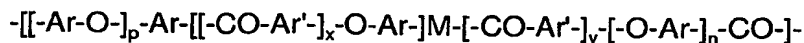
D1: US 5 362 836 A  
D2: WO 01/19896 A  
D3: US 4 273 903 A  
D4: EP 0 382 440 A

3) NOVELTY:

3.1) The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-26 is not new in the sense of Article 33(2) PCT.

3.2) Document D1 (column 2, lines 13-35; column 3, 37-62) discloses:

A polymer electrolyte membrane for a fuel cell which includes an ion-conducting polymeric material which includes phenylene moieties being substituted with atoms X (X = O and/or S) in meta position and being further substituted on average with more than 1 and 3 or less sulphonate groups which provide ion-exchange sites. Document D1 explicitly discloses sulphonated aromatic polyarylether ketones of the formula:



where

Ar is a phenylene ring with para and/or meta bonds,

Ar' is a phenylene, naphthylene, biphenylene, anthrylene or another divalent aromatic unit,

X, M and N = 0 or 1 (independently of one another),

Y = 0, 1, 2 or 3,

p = 1, 2, 3 or 4.

A method of making said sulphonated ion-conducting polymeric material the method comprising contacting a polymeric material which includes a repeat unit of phenylene moieties being substituted with atoms X (X = O and/or S) in meta position with a sulphonating agent thereby to substitute the repeat unit on average with more than 1 and 3 or fewer sulphonate groups;

wherein said conditions for controllably sulphonating the polymeric material involve the use of sulphuric acid at a concentration of at least 99.5% or less than 100.1%;

wherein the temperature during sulphonation is 30 °C or above or 40 °C or less;

wherein the selected temperature or temperature range is maintained for at least 2 hours and for less than 20 hours.

As such, the subject-matter of claims 1-26 is disclosed by document D1 and is therefore considered to lack novelty.

3.3) Document D2 (whole document, with regard to claim 1 in particular page 5, line 27) is prejudicial to the novelty of claims 1-23. Document D3 (claims 1-6; example 12) is prejudicial to the novelty of claims 1-13 and 19-26. Document D4 (page 2, line 46 - page 3, line 51) is prejudicial to the novelty of claims 1-13 and 18-20.